

## City of Kerrville Planning & Zoning Commission Agenda

Thursday, March 1, 2007, 4:30p.m.\*

City Hall City Council Chambers, 800 Junction Highway, Kerrville, TX

The meeting place has wheelchair accessibility and available accessible parking spaces. Please call the City of Kerrville Planning Division at (830) 792-8354 forty-eight hours (48) before the meeting to request accommodations.

### 1. **\*4:15 p.m. Pre-Meeting Session, City Council Chambers**

Review of today's agenda items between Staff and the Commission. No action will be taken and there is to be no discussion between the Commission and the applicant(s) or other audience.

### 2. **4:30 p.m. Call to Order**

Chairperson calls the meeting to order; roll call.

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### 3. **Visitor/Citizens' Forum**

Any person with business not scheduled on the agenda is encouraged to briefly speak their ideas to the Commission. Please fill out the SPEAKER REQUEST FORM and give it to the Commission's Secretary prior to the meeting. (No formal action can be taken on these items as the Open Meetings Act requires formal action items be posted on an agenda no later than 72 hours before the meeting. If formal action is required, the items will be placed on an agenda for a future meeting.)

### 4. **Consent Agenda**

All items listed below in the consent agenda are considered routine or ministerial in nature and will be enacted with one motion. There will be no separate discussion of items unless a Commissioner or citizen so requests; in which case the item(s) will be removed from the consent agenda and considered separately.

#### 4A. **Approve the minutes from the meeting of February 15, 2007.**

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### 5. **Public Hearing - Consideration**

#### 5A. **Zoning Code Amendment Request** – Consideration of a recommendation to the City Council of a request to extend the time a travel trailer or recreational vehicle may be located on property used for the seasonal sale of holiday trees. Applicant: Daryll and Elaine Smith c/o Holiday Hills. (File No. 2007-12)

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#### 5B. **Zoning Change Request** – Consideration of a recommendation to the City Council of a request to change the zoning from R3 (Multifamily Residential District) to a PDD (Planned Development District) to allow a mixed use development on 25 acres located generally south of the Bandera Hwy (SH 173) and Medina Hwy (SH 16), fronting the east side of Medina Hwy (SH 16). Zoned: R3. Applicant: Vordenbaum Engineering, Inc., for B-Bach Development. (File No. 2007-06)

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#### 5C. **Conditional Use Permit (CUP) Request** – Consideration of a recommendation to the City Council of a request for a CUP to allow a bed and breakfast on 0.15 acres located at 1407 Vesper Drive. Zoned: R1. Applicant: Charles and Kay Bocock. (File No. 2007-08)

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### 6. **Subdivision Regulation Waiver Request**

#### 6A. **Waste Water and Sewage Disposal System Waiver Request** – Consideration of a recommendation to the City Council of a request to waive the requirement of residential subdivisions to connect to City owned sewage disposal mains when

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located within 2000-feet of the subdivision. Applicant: Matkin-Hoover Engineering and Surveying for Phoenix Summit Ltd. (File No. 2006-37)

7. **Staff Reports**

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7A. Future Agenda Items/Project Update. Applicant: Senior Planner

8. **Adjourn** - The next scheduled meeting is Thursday, March 15, 2007.

**BUSINESS OF THE PLANNING AND ZONING COMMISSION  
CITY OF KERRVILLE, TEXAS**

**AGENDA ITEM:** 4A **FOR AGENDA OF:** March 1, 2007

**DESCRIPTION:** Approval of the minutes from the meeting of February 15, 2007

**APPLICANT(S):** Planning and Zoning Commission Secretary

**ATTACHMENT(S):** Minutes

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The Commission's Secretary recommends approval of the proposed minutes.

**PRE-MEETING:**

On February 15, 2007 the Kerrville Planning and Zoning Commission pre-meeting was called to order at 4:20 p.m. in the City Hall Council Chambers, 800 Junction Highway.

**MEMBERS PRESENT:**

Mack Hamilton, Chairperson  
Jim Kessler, Vice Chairperson  
Harold Buell, Commissioner  
Bruce Motheral, Commissioner  
Andy Phillips, Commissioner  
Carl Meek, Ex-Officio City Councilperson  
Paul Hofmann, Ex-Officio City Manager

**MEMBERS ABSENT:**

**STAFF PRESENT:**

Gordon Browning, Senior Planner  
Trina Ramirez, Planning and Zoning Commission Secretary  
Kevin Coleman, Director of Development Services  
Steve Chapman, Fire Marshall

**DISCUSSION OF AGENDA ITEMS FOR THE REGULAR MEETING:**

The Commissioners and City Planner discussed the items on the agenda.  
The pre-meeting adjourned at 4:23 p.m. No action was taken.

**1. CALL TO ORDER:**

On February 15, 2007, the Kerrville Planning and Zoning Commission regular meeting was called to order at 4:30 p.m. in the City Hall Council Chambers, 800 Junction Highway.

**2. VISITOR/CITIZENS FORUM:**

No person spoke.

**3. CONSENT AGENDA:**

**3A. Approval of the minutes from the meeting of January 18, 2007 and February 1, 2007.**

Comr. Kessler moved for approval of the consent agenda; motion was seconded by Comr. Motheral and passed 5-0.

3B. **Final Plat: Keystone, Phase 2** - A thirty-nine (39) lot single family development on 10.4 acres located along the northwest extension of Victory Lane. Zoned: RC. Applicant: Grogan Surveying. (File No. 2006-35)

Item 3B was withdrawn by applicant.

#### **4. Public Hearing**

4A. **Replat: Comanche Trace, Phase 9** – A replat of Lots 37 and 38, Block A, a 0.930 acre tract located approximately 200-feet southeast of the Comanche Trace Drive and Oak Park Drive intersection. Zoned: PD. Applicant: Grogan Surveying. (File No. 2007-04)

Cmr. Hamilton opened the public hearing at 4:32 p.m. No person spoke. Cmr. Hamilton closed the public hearing at 4:33 p.m.

Cmr. Phillips moved for approval of the re-plat as submitted; motion was seconded by Cmr. Kessler and passed 5-0.

4B. **Replat: Lowry Addition** – A replat of Lots 3 and 4, Block 7, a 0.44 acre tract located approximately 100-feet northwest of the Palmer Street and Lowry Street intersection. Zoned: R1A. Applicant: Texas Land Boundaries. (File No. 2007-03)

Cmr. Hamilton opened the public hearing at 4:34 p.m. No person spoke. Cmr. Hamilton closed the public hearing at 4:35 p.m.

Cmr. Motheral moved for approval of the re-plat as submitted; motion was seconded by Cmr. Kessler and passed 5-0.

4C. **Replat: B. F. Cage Addition** – A replat of a Part of Lot 12, Block N, a 0.43 acre tract located at the North corner of Robinson Avenue and North Street. Zoned: RT. Applicant: Texas Land Boundaries. (File No. 2007-05)

Cmr. Hamilton opened the public hearing at 4:36 p.m. No person spoke. Cmr. Hamilton closed the public hearing at 4:37 p.m.

Cmr. Kessler moved for approval of the re-plat as submitted; motion was seconded by Cmr. Motheral and passed 5-0.

#### **5. Staff Report**

**7A. Future agenda items. Applicant: Senior Planner.**

Mr. Gordon informed the Commission of items for future agenda.

**6. Adjournment** The next regularly scheduled meeting is March 1, 2007.

The meeting adjourned at 4:38 p.m.

ATTEST:

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Mack Hamilton, Chairperson

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Trina Ramirez, Recording Secretary

**BUSINESS OF THE PLANNING AND ZONING COMMISSION  
CITY OF KERRVILLE, TEXAS**

**AGENDA ITEM:** 5A **FOR AGENDA OF:** March 1, 2007

**DESCRIPTION:** **Zoning Code Amendment Request** – Consideration of a recommendation to the City Council of a request to extend the time a travel trailer or recreational vehicle may be located on property used for the seasonal sale of holiday trees. (File No. 2007-12)

**APPLICANT(S):** Daryll and Elaine Smith c/o Holiday Hills

**ATTACHMENT(S):** Applicants Request, Draft Ordinance

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**SUMMARY STATEMENT – FINDINGS OF FACT**

The applicant is requesting an amendment to the Zoning Code, Article 11-I-12, Section (e)(2)(iv), to extend the time a travel trailer or recreational vehicle may be located on property being used for the seasonal sale of holiday trees.

The current code section, adopted by City Council on August 9, 2005, states;

- (iv) one (1) travel trailer or one (1) recreational vehicle is located on property which is currently being used for the seasonal retail sale of holiday trees. This section shall only be valid between November 15 and December 31 of any year.

Prior to this code amendment, travel trailers and/or recreational vehicles were not permitted as a part of a business.

The applicant, in their request, states that the beginning date in the ordinance, November 15, does not provide enough lead time to prepare the site and acquire the necessary permits and inspections and provide site security. They are therefore requesting that the code section be amended to allow the time period where by a travel trailer or recreational vehicle may be on site to be between November 5 and December 31 of any year.

State and local laws require a public hearing before the Planning and Zoning Commission and a recommendation to the City Council on all text amendments to the Zoning Code. If the Commission makes a recommendation to the City Council at today's meeting, the Council is scheduled to conduct a public hearing and consider the request on March 13, 2007.

**RECOMMENDED ACTION**

1. Open the public hearing and receive comments, and
2. Recommend approval of the Zoning Code Amendment as presented to the City Council.

**BUSINESS OF THE PLANNING AND ZONING COMMISSION  
CITY OF KERRVILLE, TEXAS**

**AGENDA ITEM:** 5B

**FOR AGENDA OF:** March 1, 2007

**DESCRIPTION:** **Public Hearing: Zoning Change Request** – Consideration of a recommendation to the City Council of a request to change the zoning from R3 (Multifamily Residential District) to a PDD (Planned Development District) to allow a mixed use development on 25 acres located generally south of the Bandera Hwy (SH 173) and Medina Hwy (SH 16), fronting the east side of Medina Hwy (SH 16). Zoned: R3. (File No. 2007-06)

**APPLICANT(S):** Vordenbaum Engineering, Inc., for B-Bach Development

**ATTACHMENT(S):** Locator Map, Preliminary Land Plan, Draft Ordinance

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**SUMMARY STATEMENT – FINDINGS OF FACT**

Project Timeline:

- January 29, 2007 – Application for Planned Development District submitted to City.
- February 14, 2007 – In accordance with statute and local law, notice of the required public hearing published in the Kerrville Daily Times, notices mailed to all property owners within 200-feet of the subject tract.
- February 21, 2007 – Development Review Committee (DRC) process completed.
- **March 1, 2007 – Public hearing before the Planning and Zoning Commission (P&Z) and consideration of a recommendation to the City Council.**
- March 13, 2007 – Public hearing before the City Council and consideration of an ordinance approving the PDD.

PDD Process:

- Article 11-I-17 of the Zoning Code describes Planned Development Districts (PDD) and the process by which they are considered. PDD's are zoning districts that can be considered for permitting land uses not normally allowed in the zoning district in which the property is located. A PDD is governed by a site plan and any other development regulations associated with a City Council approved Ordinance. A PDD effectively becomes a "stand alone" zoning district similar to those districts already described in the Zoning Code.
- No underlying right exists to approve a PDD request. The fact that the P&Z and City Council may review an application for a zoning change does not mean it must be approved. The burden falls on the applicant to show the use would be a benefit to the particular area and to the general welfare of the City.
- The P&Z and Council may impose requirements and conditions of approval as are needed to ensure that a use requested by a PDD is compatible and complementary to adjacent properties.

Proposal/Summary:

- The applicant requests to change the zoning of the subject 25 acres from R3 to a PDD specifically to allow a mixed use development of retail, office and multifamily. The current R3 zoning allows single family, duplex and multifamily development as well as bed and breakfasts.
- As shown on the applicant's preliminary land plan, the proposed development will consist of 6.5 acres of mixed office/retail with a maximum of 40,000 square feet of retail, 3.4 acres of office and 15.6 acres of multifamily. Access is provided by an internal looped street. The parking ratio shown on the land plan is consistent with this type of development and the Zoning Code.
- As the project develops, individual site plans will be submitted for review and approval and for consistency with the approved PDD Ordinance. Staff has included specific design elements consistent with previous PDD's in the proposed Ordinance.
- The applicant has submitted a traffic study and drive way permit to TxDOT for review and approval consistent with the land plan attached.
- Based on the proposed land use plan and density as submitted, staff recommends approval of the zoning change.
- The attached draft ordinance proposed by staff is consistent with previous PDD ordinances reviewed by the Commission and City Council.

**RECOMMENDED ACTION**

1. Open the public hearing and receive comments, and
2. Recommend to the City Council approval of the PDD subject to the standards outlined in the Ordinance.

**BUSINESS OF THE PLANNING AND ZONING COMMISSION  
CITY OF KERRVILLE, TEXAS**

**AGENDA ITEM:** 5C

**FOR AGENDA OF:** March 1, 2007

**DESCRIPTION:** **Conditional Use Permit (CUP) Request** – Consideration of a recommendation to the City Council of a request for a CUP to allow a Bed and Breakfast on 0.15 acres located at 1407 Vesper Drive. Zoned R1. (File No. 2007-08)

**APPLICANT(S):** Charles and Kay Bocock

**ATTACHMENT(S):** Locator Map, Applicant's Request, Draft Resolution

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**SUMMARY STATEMENT – FINDINGS OF FACT**

Project Time:

- February 5, 2007 – Application for CUP submitted to City.
- February 14, 2007 – In accordance with statute and local law, notice of required public hearing published in the Kerrville Daily Times, notices mailed to all property owners within 200-feet of subject tract.
- February 21, 2007 – Development Review Committee (DRC) process completed.
- **March 1, 2007 – Public hearing before the Planning and Zoning Commission (P&Z) and consideration of a recommendation to the City Council.**
- March 13, 2007 – Public hearing before the City Council and consideration of a resolution approving the CUP.

CUP Process/Summary:

- Per the Zoning Code, a Bed and Breakfast use in the R1 District requires approval of a CUP by the City Council. A Bed and Breakfast is defined as a building architecturally designed to look like a single family residence with no more than six bedrooms used for the purpose of providing short-term lodging for compensation and meals only to those who receive lodging. A bed and breakfast may be used concurrently as the residence for the owner, operator, or manager of the bed and breakfast; provided, however, all bedrooms used as a permanent residence shall be included in the number of bedrooms of the bed and breakfast.
- The purpose of the R1 Single Family Residential District is to encourage the development of primarily large lot single family detached homes and to protect developed and vacant properties from uses that will produce traffic concentrations, noise and pollutants that will create an undesirable and unsafe residential environment.
- The applicant proposes, with the CUP request, to convert an existing residence into a bed and breakfast. Based on the "site plan" submitted and the applicant's proposal, no external modification to the property is proposed.
- As presented, the use will retain the sites "residential" character and not produce an undesirable or unsafe environment.



- Per the Zoning Code, the P&Z and/or City Council may impose additional requirements and conditions of approval as are needed to ensure that a use requested by a CUP is compatible and complementary to adjacent properties.
- Staff recommends approval of the CUP request subject to the standards in the attached draft resolution.

#### **RECOMMENDED ACTION**

1. Open the public hearing and receive comments; and
2. Recommend to the City Council approval of the CUP subject to the standards outlined in the Resolution.

**BUSINESS OF THE PLANNING AND ZONING COMMISSION  
CITY OF KERRVILLE, TEXAS**

**AGENDA ITEM:** 6A

**FOR AGENDA OF:** March 1, 2007

**DESCRIPTION:** **Subdivision Regulation Waiver Request** – Consideration of a recommendation to the City Council of a request to waive the requirement of residential subdivisions to connect to City owned sewage disposal mains when located within 2000-feet of the subdivision.

**APPLICANT(S):** Matkin-Hoover Engineering and Surveying for Phoenix Summit Ltd.

**ATTACHMENT(S):** Applicant's Request, Project Concept Plan

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**SUMMARY STATEMENT – FINDINGS OF FACT**

**Waiver Request:**

Article 10-IV-4B of the Subdivision Regulations permits applicants to request waivers to certain required improvements for subdivision development. Section E of Article 10-IV-4 states in reference to waivers that;

The Planning and Zoning Commission may recommend to the City Council a waiver or the tempering of the full application of the required improvements, where because of the nature of the development, lot size, topography, distance from the City, remoteness, the improvements required would be impractical at the time of platting to install and/or maintain.

Final approval for waivers must be authorized by an affirmative vote of majority of the City Council.

The waiver request before the Commission is to Article 10-IV-4E(1)(e) of the Subdivision Regulations which states that; a proposed residential subdivision can only be served by individual septic systems if the subdivision is located more than 2000-feet from the nearest City owned sewer main.

In their request the applicant states that while the tract in question is within 2000-feet of a City sewer main the proposed development consists of only 55 single family lots in a private gated community with the average lot size exceeding 5 acres. Also, the development would require several thousand feet of on and off site sewer main extension in addition to at least one (1) lift station to serve the entire site with City sewer service.

Based on the information provided, Staff recommends approval of the waiver request.

If the Commission makes a recommendation to the City Council at today's meeting, the Council is scheduled to hear the request on March 13, 2007.

### **RECOMMENDED ACTION**

1. Review and discuss the waiver request as submitted; and
2. Recommend approval of the waiver request to the City Council.

**BUSINESS OF THE PLANNING AND ZONING COMMISSION  
CITY OF KERRVILLE, TEXAS**

**AGENDA ITEM:** 7A **FOR AGENDA OF:** March 1, 2007

**DESCRIPTION:** Future Agenda Items/Project Update

**APPLICANT(S):** Gordon Browning, Senior Planner

**ATTACHMENT(S):**

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As of this writing the March 15, 2007 meeting will consist of the following;

**Final Plat: Keystone, Phase 2** – A thirty-nine (39) lot single family development on 10.4 acres located along the northwest extension of Victory Lane.

**Preliminary Plat: Wenzel Tract** – A fifty-five (55) lot single family development on 301 acres generally located along the northeast extension of Coronado Drive and west of Harper Road. This plat is in the ETJ.

**Preliminary Plat: Cutoff Business Park, Phase Two** – A fifteen (15) lot non-residential development located at the southeast corner of Greenwood Drive and Goat Creek Cutoff Road, fronting the southeast side of Goat Creek Cutoff Road. This plat is in the ETJ.

**Replat: Gilkey Addition, Block 1, Lots 1 and 2** – This two (2) lot replat is located at the north corner of the Park Street and C Street intersection.